

Serial No. 10/790,990  
Response dated May 9, 2007  
Reply to Office Action of March 7, 2006

**REMARKS**

The claims have been amended. No new matter has been added to the application.

Claims 1-36 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Patent No. 6,698,335. An appropriate terminal disclaimer has been filed. Both US Patent No. 6,698,335 and the instant application are commonly owned by Norman Bourgeois. Applicant submits that the basis for this rejection is overcome.

Claims 1-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by either one of the King Kooker Brochures. Applicant respectfully submits that the claimed invention is neither described nor disclosed in the King Kooker Brochures until the 2003 issue, well after applicant filed the instant application.

Applicant respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

**The Petition fee, Terminal Disclaimer fee and additional claims fees are being charged to Deposit Account No. 50-0694 (which total \$965).** Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

---

/Charles C. Garvey, Jr., # 27,889/  
Charles C. Garvey, Jr., Reg. No. 27,889  
Gregory C. Smith, Reg. No. 29,441  
Seth M. Nehrbass, Reg. No. 31,281

Serial No. 10/790,990  
Response dated May 9, 2007  
Reply to Office Action of March 7, 2006

Brett A. North, Reg. No. 42,040  
Jacqueline M. Daspit, Reg. No. 36,779  
GARVEY, SMITH, NEHRBASS & NORTH, L.L.C.  
**PTO Customer No. 22920**  
3838 N. Causeway Blvd., Suite 3290  
Metairie, LA 70002  
Tel.: (504) 835-2000; Fax: 504-835-2070  
[www.neworleanspatents.com](http://www.neworleanspatents.com)

P:\ClientFiles\00-88\08395\08395.7C7\PetReviveResponse.wpd